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to sell to persons who would not resell at indicated prices, and that certain retailers made purchases on this condition, whereas, inferentially, others declined so to do".

DAMAGES—LOSS OF PUBLICITY.—Defendants entered into a contract whereby they engaged the plaintiff, a music-hall artiste, to perform at their music-hall for specified periods in four successive years at a weekly salary. The music-hall was a famous place of amusement and a successful engagement there added to the reputation of the performer. The defendants repudiated this contract. *Held*, "damages for loss of publicity were not recoverable in law." *Turpin v. Victoria Palace, Limited* [1918], 2 K. B. 539.

This case involves two points that have given the courts a great deal of trouble and in the decision of which they have been very cautious in their advance into an uncharted field. In the earlier English and American cases the courts refused to allow the recovery for the loss of a chance. In *Pierson v. Post*, (1805), 3 Caines N. Y. 75, the court said the plaintiff who had almost caught a fox, but was deprived of this good chance by defendant killing and appropriating the fox, had no cause of action and this, too, although the action was in case. This has been generally assumed to mean that a "chance" was not "property" for the loss of which an action would lie. It was not until quite recently, *Chaplin v. Hicks* [1911], 2 K. B. 793, that the court decided that to take away from the plaintiff an "opportunity" to compete for a prize "deprived the plaintiff of something that had monetary value" and thus gave a right of action. In *Bunning v. Lyric Theatre*, (1894), 71 L. T. 396, there was an express stipulation to advertise the plaintiff daily. In *Marcus v. Myer* (1895), 11 Times L. R., the defendants had contracted to insert an advertisement in a particular place in their newspaper. Plaintiff recovered substantial damages in either case, the rule of certainty in the measure of damage not being allowed to interfere with the exercise by the jury of its discretion on the evidence available. In the instant case the court did not call into question the property right established in *Chaplin v. Hicks*, but distinguished *Bunning v. Lyric Theatre* and *Marcus v. Myer* by the terms of the contracts, there being no evidence in the principal case that damages for loss of publicity were within the contemplation of the parties, and that to allow a recovery would "involve a dangerous extension of the right to damages."

DEATH—ACTION UNDER DEATH ACT—CONSTRUCTION OF STATUTES.—While in D's employ, and due to D's negligence, deceased sustained injuries which caused his death ten years afterwards. P, his widow, sued therefor under the Death Act of Pennsylvania, which provided that whenever death is caused by "unlawful violence or negligence", and no suit is brought by the deceased during his life, his widow or representative may sue and recover for the death thus occasioned. *Held*, P could recover, even though an action by the deceased had been barred by the statute of limitations. *Western Union Telegraph Co. v. Preston*, (C. C. A., 3rd Circ., 1918), 254 Fed. 229.

It is unquestionably the purpose of the Death Acts to change the common law rule that a personal action dies with the person. See TIFFANY, DEATH